

REMARKS

In response to the Office Action dated July 14, 2006, Applicants respectfully request reconsideration. The application is believed to be in allowable condition.

Applicants thank the Examiner for the telephonic interview on August 9, 2006, during which the Examiner removed the finality of the Office Action, as reflected in an Interview Summary dated August 17, 2006.

Claims 34 and 40 were objected to for listing status incorrectly. Status for these claims is now believed to be correct.

Claim 5 stands rejected under 35 U.S.C. 112 for lack of antecedent basis for “the listener.” Claim 5 has been amended to recite “the first listener,” for which there is antecedent basis.

Claims 5, 9-13, 15, 21-23, 25, 34-38, and 40-50 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0046080 (Hejna). Applicants respectfully assert that these claims are patentable over Hejna.

Hejna does not teach, disclose, or suggest at least the instructions for causing a computer to determine a speed setting as recited in independent claim 5. Claim 5 recites a computer program product including instructions for causing a computer to analyze a first playback speed history and to determine a speed setting for playback of a particular audio recording, by a first listener, by modifying an adjustment to a current playback speed setting based at least on an average playback speed of audio recordings, other than the particular audio recording, by multiple speakers listened to by the first listener. The Examiner cited ¶¶ 0059 and 0062 of Hejna as disclosing the recited features. These paragraphs discuss setting a presentation rate of a media work based on concepts presented in the media work and information including speaker identity. These paragraphs discuss setting a presentation rate of a media work based on concepts contained in the media work, but do not teach, disclose, or suggest to determine a playback speed setting for an audio recording for a listener based on an average playback speed of other audio recordings listened to by the listener. For at least these reasons, claim 5 is patentable over Hejna.

Hejna does not teach, disclose, or suggest at least the instructions for causing a computer to determine an indication of willingness/reluctance of a listener to listen to recordings of a speaker faster than a current playback speed as recited in independent claim 9. Claim 9 recites a computer program product including instructions for causing a computer to analyze a first

playback speed history to determine the indication of willingness/reluctance of the listener to listen to recordings of the speaker faster than the current playback speed by ignoring a speed setting in the first playback speed history. Thus, for example, a playback speed can be determined by ignoring abnormally fast speed settings in a playback history corresponding to portions that can be listened to abnormally fast, e.g., beginnings and endings of recordings that contain standard/repetitive information. The Examiner cited ¶¶ 0194-0198 and 0215-0220, and in particular ¶¶ 0198 and 0219, to reject claim 9, asserting that paragraphs disclose the use of previous playback rate to increase or decrease playback speed and to override a looked-up rate. The Examiner equated the increase with a willingness to increase speed, the decrease of speed with a reluctance to increase, and the override of a set speed with ignoring a speed setting. The cited portions of Hejna discuss looking up a speed setting and either using that setting (¶0216), adjusting this setting using a user-specified offset (¶0217), or overriding the looked-up speed setting with a user override (¶0219). There is no teaching or suggestion of instructions to cause a computer to determine a willingness/reluctance to increase the speed relative to the current speed by ignoring a speed setting in the first playback speed history; the speed is either left alone, or altered by user input. Claim 9 is thus patentable over Hejna for at least these reasons.

Claims 10-13, that depend from claim 9, are patentable over Hejna for at least the same reasons that claim 9 is patentable over Hejna.

Hejna does not teach, disclose, or suggest at least the instructions for causing a computer to determine a speed setting as recited in independent claim 15. Claim 15 recites a computer program product including instructions for causing a computer to analyze a first playback speed history for at least one audio recording recorded by a first speaker and played by a first listener and to determine a speed setting for playback of another audio recording based on at least one of an amount of time spent transcribing by the first listener, a number of transcriptions reviewed by the first listener, and a number of transcriptions of the first speaker reviewed by the first listener. The Examiner cited a play\_cnt item 1540 in FIG. 1 of Hejna as teaching that a speed setting is determined based on a number of transcriptions reviewed by the first listener and a number of transcriptions of the first speaker reviewed by the first listener. The play\_cnt item, however, is a counter for a number of times a portion of one transcription is played, not a number of transcriptions reviewed by a listener, or a number of transcriptions of a particular speaker

reviewed by the listener as recited in claim 15. Claim 15 is thus patentable over Hejna for at least these reasons.

Claims 41-44, that depend from claim 15, are patentable over Hejna for at least the reasons that claim 15 is patentable over Hejna.

Hejna does not teach, disclose, or suggest at least the playback speed means recited in independent claim 21. Claim 21 recites a device for use in a transcription editing system where the device includes playback speed means that analyzes historical playback speed indicia to determine an indication of willingness/reluctance of a listener to listen to recordings of a speaker faster than the current playback speed by ignoring a speed setting in the historical playback speed indicia. As discussed above, paragraphs 0194-0198 and 0215-0220 cited by the Examiner discuss looking up a speed setting and either using that setting (¶0216), adjusting this setting using a user-specified offset (¶0217), or overriding the looked-up speed setting with a user override (¶0219). There is no teaching or suggestion of playback speed means to analyze historical playback speed indicia to determine a willingness/reluctance to increase the speed relative to the current speed by ignoring a speed setting in the historical playback speed indicia; in Hejna, the speed is either left alone, or altered by user input. Claim 21 is thus patentable over Hejna for at least these reasons.

Claims 22-23, that depend from claim 21, are patentable over Hejna for at least the reasons that claim 21 is patentable over Hejna.

Hejna does not teach, disclose, or suggest at least the playback speed means recited in independent claim 25. Claim 25 recites a device for use in a transcription editing system where the device includes playback speed means configured to determine the future-speed indication using at least one of an amount of time spent transcribing by a particular transcriptionist, a number of transcriptions reviewed by the particular transcriptionist, and a number of transcriptions of a particular speaker reviewed by the particular transcriptionist. As discussed above with respect to claim 15, the cited play\_cnt item 1540 in FIG. 1 of Hejna, cited by the Examiner regarding claim 25, is a counter for a number of times a portion of one transcription is played, not a number of transcriptions reviewed by a particular transcriptionist, or a number of transcriptions of a particular speaker reviewed by the particular transcriptionist as recited in claim 25. Claim 25 is thus patentable over Hejna for at least these reasons.

Hejna does not teach, disclose, or suggest at least the determining an indication of willingness/reluctance recited in independent claim 34. Claim 34 recites a method of determining a transcription audio playback speed, the method including determining from a first playback speed history a speed setting, and determining an indication of willingness/reluctance of a first listener to listen to recordings of a first speaker faster than the current playback speed by ignoring a speed setting in the historical playback speed indicia. As discussed above, paragraphs 0194-0198 and 0215-0220 cited by the Examiner discuss looking up a speed setting and either using that setting (¶0216), adjusting this setting using a user-specified offset (¶0217), or overriding the looked-up speed setting with a user override (¶0219). There is no teaching or suggestion of determining playback speed from playback speed history and determining a willingness/reluctance to increase the speed relative to the current speed by ignoring a speed setting in the playback speed history; in Hejna, the speed is either left alone, or altered by user input. Claim 34 is thus patentable over Hejna for at least these reasons.

Claims 35-38 and 45-48, that depend from claim 34, are patentable over Hejna for at least the reasons that claim 34 is patentable over Hejna.

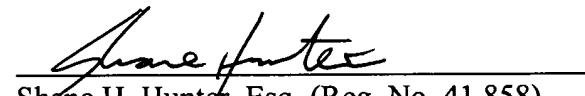
Hejna does not teach, disclose, or suggest at least the determining a speed setting recited in independent claim 40. Claim 40 recites a method of determining a transcription audio playback speed, the method including determining, from a first playback speed history, a speed setting based on at least one of an amount of time spent transcribing by a first listener, a number of transcriptions reviewed by the first listener, and a number of transcriptions of a first speaker reviewed by the first listener. As discussed above with respect to claim 15, the cited play\_cnt item 1540 in FIG. 1 of Hejna, cited by the Examiner regarding claim 40, is a counter for a number of times a portion of one transcription is played, not a number of transcriptions reviewed by a first listener, or a number of transcriptions of a first speaker reviewed by the first listener as recited in claim 40. Claim 40 is thus patentable over Hejna for at least these reasons.

Claims 49-50, that depend from claim 40, are patentable over Hejna for at least the reasons that claim 40 is patentable over Hejna.

Although Applicants believe no fees are due with this submission, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 19736-015.

Applicants respectfully request that a notice of allowance be issued. To answer any questions, or otherwise further the prosecution of this application, the Examiner may contact the undersigned attorney at the number provided below.

Respectfully submitted,

  
\_\_\_\_\_  
Shane H. Hunter, Esq. (Reg. No. 41,858)  
Alison L. McCarthy, Esq. (Reg. No. 51,998)  
Attorneys for Applicants  
Mintz, Levin, Cohn, Ferris  
Glovsky and Popeo, P.C.  
One Financial Center  
Facsimile: (617) 542-2241  
Customer No. 30623

Date: October 16, 2006

TRA 2150725v.1